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Before The
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)	
)	MM Docket No. 96-249
Amendment of Section 73.202(b))	
Table of Allotments)	RM No. 8926
FM Broadcast Station)	RM No. 9068
(St. Maries, Idaho))	
)	

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Federal Communications Commission
Office of Secretary

To: John A. Karousos, Chief
Allocations Branch
Mass Media Bureau

Reply Comments To Counterproposal

Pentacle Investments, Inc.(Pentacle), by and through counsel, pursuant to the Commission's Public Notice Report No. 2186, dated April 10, 1997, files these Reply Comments to the Counterproposal of Spokane Public Radio, Inc. (SPR) which Counterproposal has been assigned RM No. 9068.

1. In response to a Petition for Rule Making submitted by Pentacle, the Commission released a Notice of Proposed Rulemaking ("NPRM") on December 13, 1996 (DA 96-2045), in which it proposed to amend the FM Table of Allotments by adding Channel 221A at St. Maries, Idaho. This allotment would provide St. Maries with its first local FM broadcast service. On January 31, 1997, Pentacle filed Comments stating that it supported the allocation and would promptly apply for the Channel once the allocation was made. SPR, licensee of non-commercial Stations KSFC and KPBX in Spokane, filed comments opposing the allocation of Channel 221A to St. Maries contending that the allocation conflicted with its pending application to upgrade Station KSFC. SPR proposed that instead of allocating channel 221A to St. Maries, Channel 278A should be allocated, thus removing

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the conflict with SPR's proposal to upgrade Station KSFC from Channel 220A to 220 C2.

2. On February 18, 1997, Pentacle filed timely Reply Comments, which are incorporated, herein, by reference. Attached to those Reply Comment was an Engineer Statement of Pentacle's Engineer establishing that for technical reasons and for practical reasons, Channel 278A cannot be used for service to St. Maries, Idaho, either at SPR's proposed site or at any other site. He concluded that whereas Channel 278A was unusable, Channel 221A is totally acceptable and the only available Channel for allotment at St. Maries.

3. On February 18, 1997, Rook Broadcasting of Idaho Inc. (Rook) filed a Petition for Rule Making to amend the FM Table of Allotments to substitute Channel 276C1 for Channel 276C2 at Coeur D' Alene Idaho; re-allot Channel 276C1 from Coeur d' Alene to Post Falls, Idaho; and modify the license of Station KCDA(FM) for operation on Channel 276C1. Since Channel 276C1 would conflict with SPR's proposal to allot Channel 278A to St. Maries, Idaho, the Commission, in its above-referenced Public Notice of April 10, 1997, held that Rook's above-described proposal would be treated as a Counterproposal in the above-caption Docket.

4. Thus, if the above-described counterproposal of SPR to assign Channel 278A in lieu of Channel 221A, at St. Maries, Idaho, were to be granted, not only would that result in giving the community of St. Maries an unusable Channel, but it would preclude the community of Post Falls from receiving its first FM local service, which is an additional reason for denial of the SPR Counterproposal.

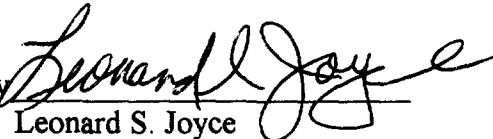
5. On additional point must be made. By letter of March 25, 1997, counsel for SPR submitted to the Commission a "response" to the above-described Reply Comments of Pentacle purportedly to challenge Pentacle's claim that the SPR proposed site for Channel 278A at St. Maries

was unusable. Pentacle did not respond to that letter since (1) clearly it was an unauthorized filing and would not be considered by the Commission and (2) the written note at the bottom of page 2 of that letter, signed by a representative of the landowner (D.R. Parent) of the alternate site stating "To our knowledge, IEP Co has never been contacted by Pentacle Investments for a possible lease or for any other reason" is vague; equivocal; does not state that the land is available for sale, rent or lease; and, was not notarized or given under penalty of perjury as required by the Commission's Rules. In view of the Commission's April 10, 1997 Public Notice, however, Pentacle shall now respond. Pentacle's Consulting Engineer, after conversations with Frank Janda, a principal of Petitioner, stated, inter alia, "No site is available for rent, purchase or lease". Mr Janda had told him that such was the case based upon Mr. Janda's conversations with a representative in the St. Maries' office of the Idaho Department of Lands, a State Agency. Through oversight, undersigned counsel did not become aware of the subject Public Notice until late April 23, 1997 and, despite numerous attempts, was unable to confer with Mr. Janda until this afternoon, April 25, 1997. Mr. Janda confirmed to the undersigned, by telephone, this afternoon, his conversation with the Idaho Department of Lands and Mr Janda will prepare a statement under penalty of perjury, in this regard, which will be filed early next week as a supplement to these Reply Comments. There simply was no time to prepare and include that statement as part of this pleading.

Wherefore, the premises considered, it will better serve the public interest to (1) allocate Channel 221A to St. Maries, Idaho (2) deny the upgrade of Station KSFC and (3) allot Channel 276C1 to Post Falls , Idaho.

Respectfully Submitted

Pentacle Investment Inc.

By 
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Its Counsel

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April 25, 1997

Certificate of Service

I Snowdeen Dove, a secretary in the Law Offices of Leonard S. Joyce, do hereby certify that the foregoing **Reply Comments To Counterproposal** was served this 25th Day of April, 1997, by mailing true copies thereof, postage prepaid, to the following persons at the addresses listed below:


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